

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE PUBLIC UTILITIES COMMISSION

In the Matter of the Petition of Qwest
Corporation for Approval of Batch
Collocation Transfer Costs

FIRST PREHEARING ORDER

This matter came on for a telephone prehearing conference before Administrative Law Judge Steve M. Mihalchick at a telephone conference on March 27, 2009.

Appearances:

Linda S. Jensen, Assistant Attorney General, appeared on behalf of the Department of Commerce.

Dan Lipschultz, Moss & Barnett, appeared for the CLEC Coalition.

Jason Topp, Counsel, Qwest Corporation, appeared for Qwest Corporation.

Based on the discussions during the prehearing conference, and all of the files and proceedings, the Administrative Law Judge makes the following:

ORDER

Parties

1. The parties to this matter are Qwest, the Department, and the CLEC Coalition. There have been no motions to intervene.

2. Persons wishing to intervene must file a written petition to intervene, pursuant to Minn. R. 1400.6200, subp. 1, by June 30, 2009. The petition shall be served upon the Administrative Law Judge, all existing parties, and the Minnesota Public Utilities Commission. Any objection to a petition to intervene shall be filed within seven days of service of the petition. Any persons petitioning to intervene after June 30, 2009, may be restricted as to the scope of their participation. Any person who is allowed to intervene after the date of this Order shall be bound by the terms of this Order.

3. Members of the public need not become formal parties to participate in the hearing. Members of the public may offer evidence, attend the hearing, file written

comments, and request the opportunity for oral argument. But any person desiring to become a formal party must file a petition to intervene as described above.

SCHEDULE

4. The following schedule is adopted:

Qwest files Direct Testimony	June 12, 2009
Deadline for Intervention	June 30, 2009
Parties other than Qwest file Rebuttal Testimony	August 28, 2009
All Parties file Reply Testimony	September 30, 2009
All Parties file Surrebuttal Testimony (if necessary)	November 4, 2009
Evidentiary Hearing, 9:30 a.m. in the Commission Offices	November 12 and 13, 2009

5. Briefing deadlines and a date for the Report and Recommendation will be set at the conclusion of the hearing.

PROCEDURE

6. The Rules of the Office of Administrative Hearings govern the conduct of the hearings; the Professionalism Aspirations adopted by the Minnesota Supreme Court will be observed.

FILING OF DOCUMENTS

7. Prefiled testimony and exhibits may be in any reasonable format that is understandable, logically organized, and capable of being cited by page and line number, paragraph number, or similar identifier.

8. All documents filed, including prefiled testimony, but excluding information requests and responses, shall be filed as follows:

9. Before the Report of the Administrative Law Judge is issued, one copy shall be filed with the Administrative Law Judge.

10. After the Administrative Law Judge's Report is issued, the parties shall file the original of all documents with the Executive Secretary of the Commission.

11. One copy of all documents shall be served on the persons listed on the attached service list, in the number indicated. An electronic copy, where possible, shall also be sent by e-mail to persons whose e-mail address is provided on the service list. The Office of Administrative Hearings will revise the list as necessary. Service shall be made according to the most current service list provided to the parties by the Office of Administrative Hearings.

12. Pursuant to Minn. R. 1400.5100, subp. 9, and Minn. R. 7829.0400, subp. 1, the effective date of filing shall be the date the document is mailed to the Office of Administrative Hearings and delivered to the Executive Secretary of the Commission. Filings with the Administrative Law Judge may be accomplished by email to the Administrative Law Judge. Any filing sent by email must be followed by a hard copy mailed that day.

13. Proof of service shall be filed with each filed document or within three business days thereafter.

14. An electronic copy of prefiled testimony shall be served on the other parties and the court reporter by 3:00 p.m. on the day it is due.

15. One copy of any document or information filed with or supplied to the Commission or the Commission staff shall be served on every party.

DISCOVERY

16. A party may serve requests for information on any other party. All requests for information shall be made electronically, and unless the parties agree otherwise, shall be followed with a hard copy sent by regular U.S. mail to the person from whom the information is sought, with a copy of the request mailed to all parties of record. To the extent that a request includes material designated as Trade Secret or Nonpublic under the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, a party shall send the request by hard copy only. Requests shall be sent to the person designated to receive data requests by the party from whom the information is sought. Any request received by e-mail after 4:30 p.m. on a business day, on a weekend day, or on a state holiday is considered received on the next business day.

17. The party responding to the information request shall provide the information requested to all parties within eight business days after receipt of the request, unless the requesting party agrees to provide additional time. A business day does not include weekend days and state holidays. In accordance with Minn. R. 1400.6100, subp. 1, the day that the information request is received is not counted in the eight-day period.

18. Responses to information requests shall be made electronically, and unless the parties agree otherwise, shall be followed with a hard copy of the response sent by regular U.S. mail or other delivery service. To the extent that a response includes material designated as Trade Secret or Nonpublic, the responding party shall send the response by hard copy only but should ensure delivery by the due date. Any

response received before 4:30 p.m. on a business day is considered to be received on the same day.

19. In the event that due to the volume or nature of information included in a response, the responding party is unable to send the response by e-mail, the responding party shall send the response by facsimile, regular U.S. mail, or other delivery service, so that the requesting party receives the entire response including any material designated as Trade Secret or Nonpublic by the due date. Responding parties may utilize CDs or other agreed-to electronic formats to convey large volumes of data. There shall be a continuing obligation to update and supplement information responses.

20. In the event the information cannot be supplied within eight business days, the responding party shall notify the requesting party as soon as reasonably possible in advance of the deadline of the reasons for not being able to supply the information and attempt to work out a schedule of compliance with the requesting party. All disputes concerning the reasonableness of discovery requests and the timing and sufficiency of responses shall be resolved by the Administrative Law Judge upon motion of a party. Notice of such a motion should be made by email if possible and may be made be heard by telephone conference with the Administrative Law Judge and affected parties, unless the Administrative Law Judge requires other procedures.

21. Information requests directed to Qwest should be directed to: Dianne.Barthel@qwest.com.

PREFILED TESTIMONY AND ORDER OF TESTIMONY

22. All testimony other than cross-examination shall be prefiled. Prefiled testimony shall be marked and offered with exhibit numbers. Prefiled testimony that is amended, or not offered into the record, shall be considered withdrawn and the sponsoring witness may not be cross-examined concerning the withdrawn testimony. Except for good cause shown, all substantive revisions or corrections to any prefiled testimony shall be served upon the Administrative Law Judge and the parties by email no later than three days before the evidentiary hearing starts.

23. Except for good cause shown, any new affirmative matter that is not offered in reply to another party's direct case will not be allowed in rebuttal or surrebuttal testimony and exhibits.

24. Unless the parties agree otherwise, the order of testimony and questioning in the evidentiary hearings shall be: Qwest first, then the CLEC Coalition, then the Department.

EXAMINATION OF WITNESSES

25. Witnesses shall be allowed ten minutes to summarize their prefiled testimony.

26. Parties shall examine and cross-examine witnesses through their attorneys, if they are represented by counsel. Any party not represented by counsel may examine and cross-examine each witness through any one representative chosen by the party.

27. Except for good cause shown, objections by any party relating to the qualifications of a witness or the admissibility of any portion of a witness's prefiled testimony shall be considered waived unless the objecting party states by motion its objection with particularity to the Administrative Law Judge and serves a copy of such objections on the Commission and all other parties at least three days prior to the hearing. If an objection is made by a party, the party shall be permitted to lay further foundation for the objection through cross-examination of the witness. Any prefiled testimony that is not objected to shall be admitted during the evidentiary hearings without the necessity of laying foundation for the testimony.

Dated: May 6th, 2009

/s/ Steve M. Mihalchick

STEVE M. MIHALCHICK
Administrative Law Judge